

FILED-USBC, FLS-FTD  
'22 OCT 17 PM 1:28

[Caption as in Form 416A, 416B, or 416D, as appropriate]

## NOTICE OF APPEAL AND STATEMENT OF ELECTION

### Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Marisa Chanile Smith
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:
 

For appeals in an adversary proceeding.	For appeals in a bankruptcy case and not in an adversary proceeding.
<input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Debtor
<input type="checkbox"/> Defendant	<input type="checkbox"/> Creditor
<input type="checkbox"/> Other (describe) _____	<input type="checkbox"/> Trustee
	<input type="checkbox"/> Other (describe) _____

### Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Denying Motion for Consideration
2. State the date on which the judgment, order, or decree was entered: 10/03/22

### Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Marisa Smith Attorney: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. Party: Shoma Homes At Nautica Single Family Attorney: Michael S. Hoffman Esq  
Counsel for Shoma Homes at Nautica  
909 North Miami Beach Blvd # 201  
Miami, FL 33162

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

Marissa C. Smith  
Signature of attorney for appellant(s) (or appellant(s)  
if not represented by an attorney)

Date: 10/17/22

Name, address, and telephone number of attorney  
(or appellant(s) if not represented by an attorney):

Marissa C. Smith  
3809 SW 164 Terr  
Muramar, FL 33027  
954-446-5359

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[**Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re: Marisa Chanile Smith

Case No. 22-14583  
Chapter 13

FILED-USBC, FLS-FTL  
'22 OCT 17 PM1:28

\_\_\_\_\_  
Debtor(s) /

**NOTICE OF APPEAL**

Marisa C. Smith, Defendant/ Debtor appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge Motion for Reconsideration entered in this adversary proceeding on the 3<sup>rd</sup> of October 2022 . The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Dated:10/17/2022

Signed: \_\_\_\_\_

Marisa C. Smith

3809 SW 164 Terrace

Miramar, Florida 33027

954-446-5359



**ORDERED in the Southern District of Florida on October 3, 2022.**

A handwritten signature in black ink, reading "Scott M. Grossman".

Scott M. Grossman, Judge  
United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

In re:

Case No. 22-14583-SMG  
Chapter 13

MARISA CHANILE SMITH,

\_\_\_\_\_  
Debtor

**ORDER DENYING MOTION FOR RECONSIDERATION**

THIS MATTER came before the Court for hearing on September 15, 2022, at 2:00 p.m. upon the Debtor's Motion to Reconsider the Court's Order Granting Motion for Relief from Stay [D.E. #55] (the "Motion"). The Court, having considered the Motion and the arguments presented at the hearing, orders as follows:

1. The Motion is denied for the reasons stated on the record.

##

Submitted by:

Michael S. Hoffman, Esq., Hoffman, Larin & Agnetti, P.A.  
Counsel for Shoma Homes at Nautica Single Family Neighborhood Ass'n Inc  
909 North Miami Beach Boulevard, # 201, Miami, Florida 33162  
Phone: (305) 653-5555  
E-mail: [mshoffman@hla-law.com](mailto:mshoffman@hla-law.com)

Attorney Hoffman shall serve a copy of the signed order on all parties served with the Motions and shall file with the court a certificate of service conforming with Local Rule 2002-1(F).

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

In re:

Case No. 22-14583-SMG  
Chapter 13

MARISA CHANILE SMITH,

\_\_\_\_\_  
Debtor. \_\_\_\_\_/

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the Order Denying Motion To Reconsider (DE 72) was sent via CM/ECF to Susan P Bakalar, Esq., Keith S Labell, Esq., Office of US Trustee, Robin Weiner, Trustee on October 3, 2022 and via U.S. Mail on the parties identified on Exhibit A on October 4, 2022.

HOFFMAN, LARIN & AGNETTI, P.A.  
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/s/ Michael S. Hoffman  
Michael S. Hoffman, Esq.  
Florida Bar No: 41164